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KAHULUI RAILROAD WINS

A unanimous opinion of the Supreme Court has been rendered on exceptions from the First Circuit Court, in its order overruling the defendant's demurrer in *Kahului Railroad Company vs. Hawaiian Commercial & Sugar Co.* Exceptions are overruled, which means that the railroad people win this far. The Court was constituted by Justice Whiting and Messrs. E. P. Dole and H. P. Weber of the bar, respectively in place of Chief Justice Judd, disqualified, and Justice Frear, absent. Mr. Weber is author of the opinion, which finds that a case lies for malicious use of process, and that an allegation of fraudulent means of obtaining an injunction may properly be included in a complaint of trespass. In this case the sugar company had procured an injunction from a Circuit Judge to prevent the railroad company from interfering with the sugar company's operations in tearing up the tracks of the railroad company Kinney, Ballou & McClanahan for plaintiff; Hartwell and Castle & Weaver for defendant.

Judge Perry has rendered a decision on the bill for specific performance of John D. Paris vs. Antonio Fernandez. "A decree for the specific performance of the agreement to assign the lease will be signed on prosecution, with liberty to respondent to perform the whole contract." The latter proviso refers to the making of a drive of the cattle on the land by Fernandez, which in the body of the opinion the Court finds it impracticable for it to enforce. Kinney, Ballou & McClanahan for complainant; Magoon & Sullivan for respondent.

The Hawaiian Electric Co. by its attorney, Geo. A. Davis, has filed a discontinuance of its suit against Chas. S. Davis, the defendant having paid the claim and agreed to pay costs.

Mrs. Anna Long has petitioned the Circuit Court to have Chas. W. Booth made trustee of \$1841.48, the share of Mrs. Ida E. Nordberg of the estate of the late Joseph Booth, and the only share remaining in court. It is represented that the money can be used to more profit in the hands of such trustee than it has been hitherto.

Kaili Kakoi petitions to be appointed administratrix of the estate of her daughter, Anela Kakoi, who died intestate leaving an estate valued at \$2873.54, the heirs being the mother and two married sisters of deceased.

David Dayton has been discharged, his accounts being approved, as guardian of John N. C. Gilman. The ward agreed in court to pay his guardian a balance due him of \$224.24. The estate is inventoried at \$4000 in value of land.

Judge Perry denied libellant's motion that libellee be adjudged guilty of contempt, for retaining a boloku and other articles, in the *Ab Lock divorce case*. Davidson for libellant; Magoon & Sullivan for libellee.

J. A. Magoon, guardian of James Love, asks for leave to expend \$650 in repairs on house, Mrs. Edmund Hart, daughter of the ward and occupant of the house, agreeing to pay an equal amount.

Mannel Fernandez, a minor, by Lino Fernandez, his guardian, has brought an action for \$5.00 damages against Domingos J. L. Matos for false arrest on a charge of making a disturbance Sunday before last.

Hawaiian Star Newspaper Association vs. Harry B. Saylor, writ of error, is being heard in the Supreme Court. Kinney, Ballou & McClanahan for plaintiff; W. A. Henshall for defendant.

The case arises out of Mr. Saylor's libel suit against the Star, in which a verdict for \$500 damages was affirmed by the Supreme Court.

Tom Wall has gone to Hilo.

SPENDING THE APPROPRIATIONS

Statement of Expenditures from Current and Loan Funds for Public Improvements.

In view of the agitation that has been attempted in a certain quarter, to have the Government disburse the treasury balances with a more lavish hand, a BULLETIN reporter asked Minister King to furnish a statement of the expenditures upon public improvements since the close of the Legislature of 1898.

The Minister of the Interior complied readily. A statement copied from his marked appropriation sheets appears below. From time to time this paper has given the news of large contracts for public works, and of more or less heavy amounts authorized to be expended in different parts of the islands. The statement here given comprises appropriations expended, a few odds and ends of old bills paid and items authorized to be expended to wit. In the case last mentioned the works are either under construction or the preliminary work thereon is being pushed.

Minister King explains that the apparent tardiness in getting down to actual work on the appropriations has been due to circumstances that were unavoidable. It is only a little more than eight months since the appropriation bills for both loan and current accounts were signed. This happened the very day the Newlands resolution was signed by President McKinley which made the Hawaiian Islands part of the United States. More than a month then passed before the formal transfer of sovereignty took place.

A whole host of difficult questions immediately sprang up, in connection with the new situation of the country, which engaged the serious consideration of the Government daily for a long time. Among these was a question intimately connected with the matter of expenditures. This was with regard to the power of the Government to put loan bills of the Republic of Hawaii into effect.

On top of all these difficulties in the way of a vigorous policy of internal improvement came the uncertainty as to what Congress was going to do with Hawaii at the recent session. This of itself was occasion of making the Government cautious in every matter of internal affairs. At any rate, the Government has not had more than six months in which to bring its spending powers into play. Much of this time has been required for preliminary investigations and reports by surveyors, engineers, architects, etc. It is to be remembered, moreover, that all of the public improvements being carried out are not included in the Minister of Interior's expenditures. The Department of Education has undertaken a large amount of schoolhouse construction, some of it being of a high and durable class of architecture.

The public improvements in the Interior department, however, will be seen by the following statement to amount to nearly one million dollars:

CURRENT ACCOUNT.

Honolulu Water Works—	
Water Filtration Investigations.....	1,500
Bureau Public Works—	
Removing Powder Magazine.....	7,500
Roads and Bridges, Hawaii—	
Curbing and Paving Government Sidewalks, Hilo.....	2,400
Road from Laupahoehoe to Kilauea, Hilo.....	15,000
Stone Culvert across Pohakunani-naku, Hilo.....	2,000
Purchase of Road Roller, Hilo.....	5,000
Complete Road from Koa to Kamali, Puna.....	1,000
Widening and Repairing Road between Kahohe and Alika, South Kona.....	2,500
Regrading Main Road and Roads to Landings, Hamakua.....	22,000
Kaahulu Homestead Roads, Hamakua.....	2,500
Ahualoa Homestead Road, Hilo.....	8,000
Kalapa Homestead Road, Hilo.....	4,000
Paaulu Homestead Road, Hilo.....	6,000

Kaala Homestead Road, Hilo.....	5,000
Pihonua Road, Hilo.....	7,500
Kapalapa Road, Hilo.....	7,500
Road from Honokaneiki Landing to Government Homestead at Awini.....	3,000
Roads and Bridges, Maui—	
Makawao.....	2,000
Regrading Road, Kokomo, Makawao, to Halehaku, Huala.....	3,500
Purchase of Rock Crusher for Hana.....	2,000
To complete Homestead Road from Makana to Kula.....	5,000
Road from Olowalu to Maunaloa Bay.....	2,500
Bridge at Olowalu to Kahakuloa.....	600
Road from Honolulu to Kahakuloa.....	3,000
Roads and Bridges, Oahu—	
Macadamizing Road, Moanalua to Kapulaki.....	500
Macadamizing Union Street, including road damages.....	6,000
Repairing and Macadamizing Campbell Avenue and Monsarrat Road.....	2,000
Widening King Street East of Kalihi Bridge and New Bridge.....	2,000
Macadamizing River Street from King Street to Vineyard Street.....	3,000
Purchase Rock Crusher, Ewa and Waianae.....	2,000
Waianae.....	2,000
Koalaupoko.....	3,500
Roads and Bridges, Kauai—	
Roads and Bridges, Koloa, general Culverts and Bridges, new, Kalaheha grade.....	1,500
New Grade, Wahiawa Valley, west.....	800
Widening Grade and Wall, Wahiawa, east.....	1,000
Culverts, Lualaba-Kalaheha grade.....	800
Wahiawa Bridge.....	600
Wailana Bridge.....	300
Koloa Mill Bridge.....	300
Hanalei.....	8,000
Bridge across Waipa Stream.....	4,000
General.....	
Jailers' House, North Kohala.....	300
Telephone from North Kona to South Kona.....	2,500
Total.....	\$175,600

LOAN FUND.

New Wharf at Papiha, Nahuiku and Approaches.....	5,000
Sewerage for Hilo Streets.....	4,000
New Roads, Hawaii—	
Hamakua: Waipio Grade.....	6,000
" Upper Road to Waimea.....	12,000
North Hilo: Kahuku to Papaloa.....	45,000
" Waipunahe, Kula and Paana.....	5,000
" Waikamalo and Maunaloa Homesteads.....	5,000
Hilo: Widening and Extending Streets.....	10,000
" Homestead Roads, Kaiwili, Kaunama and Ponoeha.....	20,000
" New Bridge, Wailuku River.....	10,000
" New Bridge, Wailuke River.....	5,000
Puna: Extension of Upper Puna Road from Keoke to Kalapana.....	10,000
" Cross Road at or near 14 1/2 miles on Volcano Road.....	2,500
" Preliminary work on 2 1/2 miles Cross Roads, and 1 1/2 miles parallel to Volcano Road.....	25,000
" Pack Trails in Olua Cross Roads, 10 miles.....	10,000
Kau: Waiohinu to South Kona.....	12,000
" Punaluu to Hilea Road.....	3,000
South Kona: Wharf, Hoopuloa.....	800
" Extension to Kau.....	10,000
" Grading and Building Road from Hoopuloa Landing to Upper Government Road.....	4,000
" Honanau, Upper Road to Road to Napoopoo Landing at Kihel.....	5,000
North Kona: Huehue to South Kohala.....	8,000
North Kohala: Road from Keauhou to the Upper Road.....	10,000
South Kohala: Waimea to North Kona.....	8,000
South Kohala: Road, Waimea to Kawaihae.....	8,000
North Kohala: Road from Pua-kea to Mahukona.....	5,000

Continued on Page 8.

KAHUKU RIOT RESULTS

Coroner Renders Verdict—Statement by Immigration Company Representatives.

The special train bringing Marshal Brown, Deputy Marshal Chillingworth and police officers from Kahuku, arrived at the depot a little after 5 p. m. yesterday. The country police were left in charge of the plantation. Under the strict surveillance of the police were taken three Japanese, supposed to be the ones most active in the attack of Sunday. Included among the passengers were seventeen Chinamen, out and battered by the weapons of the Japanese. These, together with the Japanese prisoners, were taken to Oahu jail under the supervision of Deputy Marshal Chillingworth. The Chinamen were placed in the hospital, where Dr. Cooper sent a good part of last night attending to the injuries of the men.

All but two of the Chinamen were cut and the whole lot were badly bruised. Not a Japanese received as much as a scratch. There are three men among the prisoners believed to have been the ringleaders in Sunday's affair. These, together with the other fourteen, were all identified by the wounded Chinamen and plantation laborers. They will come up for preliminary trial in the police court in a day or so.

Besides the three Chinamen killed outright, another is in a precarious condition, having been stabbed in one of the lungs. It was impossible to get this man to town as every move caused a hemorrhage. Of the wounded brought to town, none will die from their injuries.

Deputy Marshal Chillingworth, acting under the orders of Marshal Brown, had charge of the work of guarding the Japanese camp. He also called the coroner's inquest which lasted from 5 a. m. Monday to 11:05 a. m. The jury returned the following verdict:

"That the said Yee Fook Sing, Ching Fown Wing and Yee Ling Jung came to their deaths at Kahuku in the District of Koolaloa, Island of Oahu, on the 26th day of March, A. D. 1899, from injuries received on their heads, the result of blows administered by certain Japanese, whose identities and names are to this jury unknown."

"Charles F. Chillingworth, Coroner, Joseph H. Fisher, Thomas H. Farr, P. P. Mueser, O. B. Nauoa, W. K. Apua, Messrs. Nakasau."

At the instance of Dr. Katsunuma, representing Japanese immigration companies, O. Bolte of the firm of M. S. Grinbaum & Co. summoned press representatives to his office this forenoon. Dr. Katsunuma feels hurt by an article in the morning paper which, he claims, would make out his countrymen, a lot of lawless brigands who had tried to wangle a slaughter of people of another race.

Yesterday morning, Manager Weight telephoned to town, asking for the advice and assistance of the Kahuku plantation directors in the matter of the recent trouble. The directors, Messrs. Swazy, Hall, Graham and Bolte, met to consider the matter and as three of the men were too busy to make the trip to Kahuku, Mr. Bolte was requested to confer with Manager Weight. Together with Mr. Bolte went Dr. T. Katsunuma, representing the Japanese, Morioka and Tamamoto Immigration Companies, and Mr. W. Shing of the Harong Lung Kee Co. representing the Chinese Immigration Co.

Manager Weight stated that the row originated with a gang of laborers who were loading cargo on the cars, this gang consisting of two-thirds Chinese and one-third Japanese. Ever since the beginning of January, when these Chi-

nese and Japanese commenced working together, there had been quarrels which caused ill feeling. The luna in charge of the gang stated that the climax came Sunday afternoon when a large Chinaman and a small Japanese were on top of a heavily loaded car. The Chinaman gave some orders which the Japanese refused to obey, whereupon he was thrown bodily from the car to the ground, a distance of ten feet. Then came fist fights. He told the men they must not fight. A warrant should be secured for the arrest of the big Chinaman.

Manager Weight stated that several Japanese wanted several Chinamen arrested. They were promised satisfaction the Chinamen could be pointed out.

Dr. Katsunuma made his statement gleaned from the Japanese laborers, which is, substantially, as follows: That no preparations were made; that the Japanese only went to the Chinese camp to single out the men they wished arrested; that they had no weapons with them; that, upon entering the Chinese quarters there was a general row; that the Chinese used knives; that they took these away; that they picked up sticks of wood in the Chinese camp and used these to defend the natives; that they had no hammers or axes; that in the excitement, Japanese attacked their own countrymen and that the fight was over in ten minutes, or when Manager Weight appeared.

Mr. W. Shing made his statement, gleaned from the Chinese, which is substantially, as follows: That the attack was carefully prepared; that the Japanese went into the Chinese camp with the intention of doing them harm; that the Japanese went prepared with hammers, knives, hoe handles with nails in the ends and coral; that the Chinese made no resistance as they were wholly unprepared and had no weapons; that, upon some of the Chinamen attempting to escape, three Japanese horsemen on the outside clabbed them back to their quarters, and that some men were attacked while lying in their beds.

Before leaving Kahuku the Japanese promised Dr. Katsunuma to behave themselves and return to work. The Chinese were very much frightened, believing the Japanese would make another attack. However, they promised Mr. W. Shing that they too would return to work. Dr. Katsunuma and Mr. W. Shing shook hands for the Japanese and Chinese before leaving.

Columbia Sold Again.
The sale of the City of Columbia was closed at 3 p. m. yesterday and now W. E. Rowell is the owner of the vessel. Captain Walker is the man who bought the Columbia for a Chinese ship. The price paid was \$8,000. The Columbia will go to Hongkong as already stated in the BULLETIN.

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